

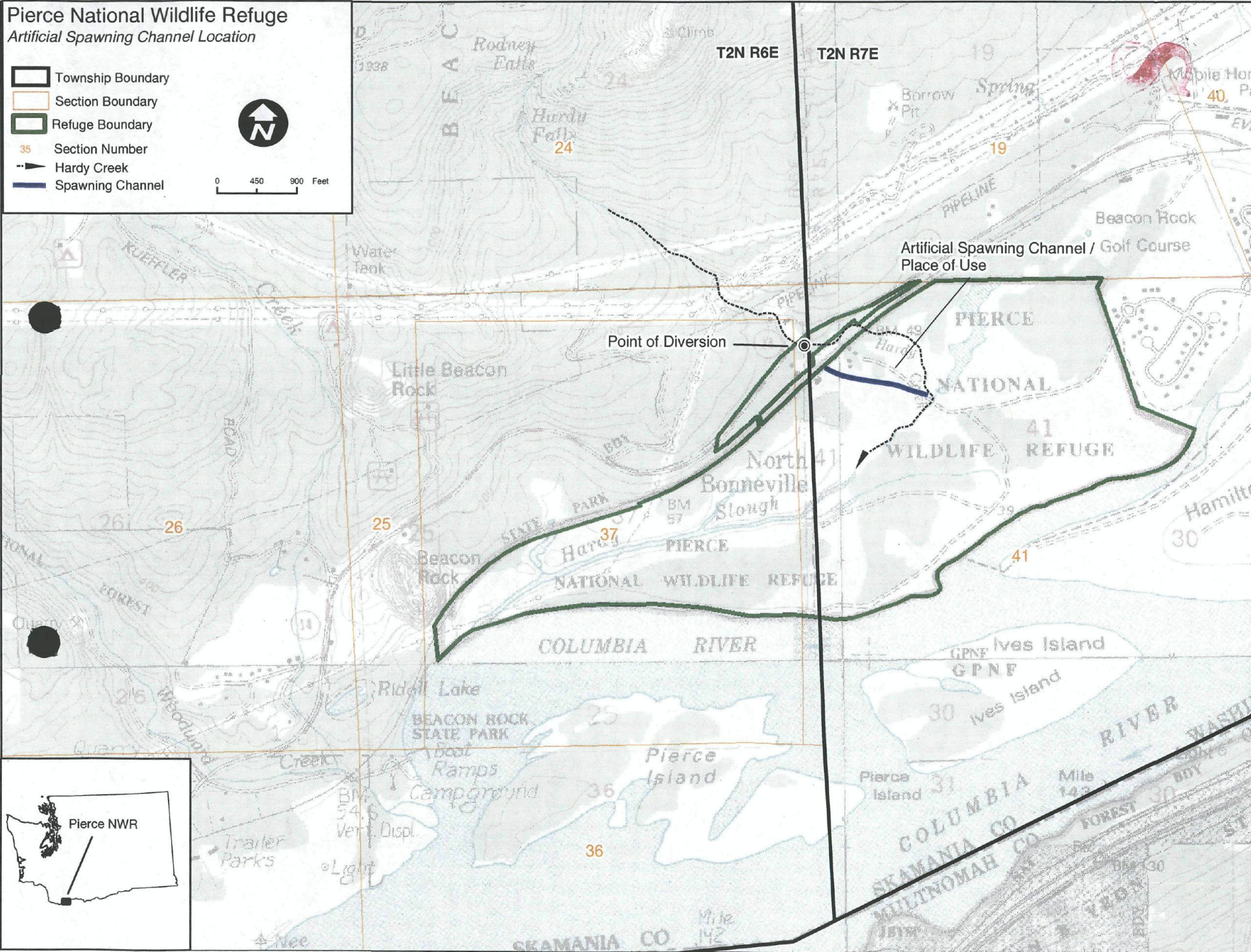
Pierce National Wildlife Refuge

Artificial Spawning Channel Location

-  Township Boundary
-  Section Boundary
-  Refuge Boundary
-  Section Number
-  Hardy Creek
-  Spawning Channel



0 450 900 Feet





IN REPLY REFER TO:

United States Department of the Interior

FISH AND WILDLIFE SERVICE

911 NE. 11th Avenue
Portland, Oregon 97232-4181

RECEIVED
DEPT. OF ECOLOGY/SWRO

'03 NOV -5 A10:32

October 31, 2003

Washington Department of Ecology
Water Resources
Southwest Regional Office
PO Box 47775
Olympia, WA 98504-7775

To Whom It May Concern,

Enclosed is a water right application submitted on behalf of the U.S. Fish and Wildlife Service (the Service). I have discussed this application with both Don Davidson and Mike Dixel in the Department of Ecology's Southwest Regional Office.

With this application the Service is seeking to secure a permanent water right to surface water from Hardy Creek in the Pierce National Wildlife Refuge, Skamania County, Washington. Water from Hardy Creek will be diverted through an artificial spawning channel for chum salmon before being returned to the creek, approximately 2000-feet from the point of diversion. The Service intends to divert water from Hardy Creek only when it has been determined there is sufficient water available for both the artificial spawning channel and Hardy Creek.

The Service would like to request priority processing for this application following the guidelines published in Washington Administrative Code (WAC) 173-152-050(2). We believe the proposed use meets the criteria listed in the WAC; water use will be nonconsumptive and substantially enhance the natural environment by creating spawning habitat for Columbia River salmon.

Also enclosed is a check to cover the \$10.00 filing fee. We appreciate your assistance in this matter. If you have any questions or need additional information please feel free to contact me by phone (503-231-2265) or email (fred_wurster@fws.gov).

Sincerely,

Fred Wurster

cc: (w/enclosure)
Sam Lohr, Col River Fisheries

RECEIPTReceipt Number **04-008893**

Department of Ecology

(4610)

Manual Receipt

PO Box 5128

Lacey, WA 98509-5128

(360) 407-7095

Current Document Number **461H0652CJ**Date **11/07/2003**FM **05**Remitter Name **US FISH AND WILDLIFE SERVICE**

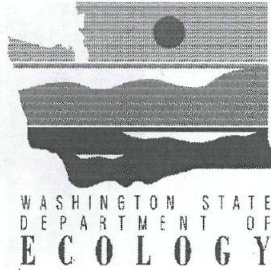
Receipt Name

Check/Draw Number **103**Document Amount **\$10.00**Method of Payment **Check**Comment Description **WATER RIGHTS**

Ref Doc Nr	Ref Doc Sfx	Inv Nr	Id Nr	Sub Id Nr	Prgm Cd	T C	R	Fund	Maj Grp	Maj Src	Sub Src	Cnty	Work Cls	PIC	AI	Org	Prj	Sub Prj	Prj Phs	Sub Obj	Sub Sub Obj	Var GL	Sub Sid Dr	Sub Sid Cr	Alloc Amt
				H00	001			001	02	85	000010														\$10.00



March 22, 2005



To: Water Right Permit File S2-30162
From: Mike Dexel, Permit Writer

Fred Wurster of USFWS has submitted a SEPA Checklist that was triggered by Ecology for the request to withdraw 10 cfs from Hardy Creek. Ecology is the only agency with an action to take on this request therefore we are the SEPA Lead Agency. I have recommended to Tom Loranger, Section Supervisor at SW-WR, that we issue a Determination of Non-Significance on the SEPA Checklist.

Because this request to withdraw 10 cfs from Hardy Creek is a project that occurs on federal lands, Pierce National Wildlife Refuge, by a federal agency, USFWS, it has been determined that issuance of the DNS:

- Does not require review by other agencies who may have jurisdiction.
- There is no requirement for a comment period.

Barbara Ritchie, Ecology SEPA coordinator, has been sent a copy of the DNS issued by Ecology which was signed by Tom Loranger on March 22, 2005.

Mike Dexel

S

- Federal Agency of Federal Lands
~~is~~
equals no other ^{Lead} agency
review and no
comment period.

- Ecology is SEPA Lead Agency
b/c we are only agency with
action to take.

- WAC 197-11-340
only if comment period is
required.

WAC 197-11-970 Determination of nonsignificance (DNS).

DETERMINATION OF NONSIGNIFICANCE

Description of proposal Artificial chum spawning channel has been constructed and requires a surface water diversion from Hardy creek.

Proponent U.S. Fish and Wildlife Service

Location of proposal, including street address, if any Pierce National Wildlife Refuge, Skamania County, WA.

Lead agency Ecology

The lead agency for this proposal has determined that it does not have a probable significant adverse impact on the environment. An environmental impact statement (EIS) is not required under RCW 43.21C.030 (2)(c). This decision was made after review of a completed environmental checklist and other information on file with the lead agency. This information is available to the public on request.

☒ There is no comment period for this DNS.

☐ This DNS is issued after using the optional DNS process in WAC 197-11-355. There is no further comment period on the DNS.

☐ This DNS is issued under WAC 197-11-340(2); the lead agency will not act on this proposal for 14 days from the date below. Comments must be submitted by

Responsible official Tom Lorange

Position/title Section Supervisor, Water Resources Program ^{SW Region} Phone. 407-6058

Address PO Box 47775, Oly., WA 98504

Date. 3-22-05 Signature Thomas Lorange

(OPTIONAL)

☐ You may appeal this determination to (name) _____
at (location) _____
no later than (date) _____
by (method)

You should be prepared to make specific factual objections.

Contact _____ to read or ask about the procedures for SEPA appeals.

☒ There is no agency appeal.

S

Dexel, Michael E

From: Sam_Lohr@r1.fws.gov
Sent: Thursday, February 03, 2005 9:13 AM
To: Dexel, Michael E
Cc: 'Fred_Wurster@r1.fws.gov'; Sam_Lohr@fws.gov
Subject: RE: SEPA status for Pierce refuge?

Thanks for the info on the progress, and please let me know if there is anything I can do to assist. Thought you might be interested in how things went during the fall. We had very low numbers of adult chum in the two streams we monitor (40 estimated in Hardy Creek and about 200 in Hamilton Springs, down from 500-600 last year). According to WDFW and ODFW, numbers were also down in the mainstem and other tributaries they monitor, but probably not as much as we saw. With the low numbers of fish and flows around 4-10 cfs in Hardy Creek, we did not try to open up the channel under the temporary permit. We do hope to put water in it later on so that we can see what the conditions are like around the mouth. Thanks and let me know what I can do.

Sam

Sam Lohr
U.S. Fish and Wildlife Service
Columbia River Fisheries Program Office
1211 SE Cardinal Court, Suite 100
Vancouver, WA 98683

Phone (360) 604-2528
Fax (360) 604-2505

"Dexel, Michael
E"
<MDEX461@ECY.WA.G
OV>

To: "'Fred_Wurster@r1.fws.gov'"
<Fred_Wurster@fws.gov>
cc: Sam_Lohr@fws.gov
Subject: RE: SEPA status for Pierce

refuge?

02/03/2005 08:13
AM

Fred,

Actually, it is more likely that the local governing office would perform the SEPA, not Ecology. Recommend you contact Barbara Ritchie here at DOE. She handles SEPA process and will make sure we have done it correctly. Here is her email: brit461@ecy.wa.gov



Talk to you soon. MD

-----Original Message-----

From: Fred_Wurster@r1.fws.gov [mailto:Fred_Wurster@r1.fws.gov]
Sent: Wednesday, February 02, 2005 4:42 PM
To: Dexel, Michael E
Cc: Sam_Lohr@r1.fws.gov
Subject: Re: SEPA status for Pierce refuge?

Mike,

Process has not been started. The best we'll be able to do is a SEPA checklist. I believe the SEPA checklist will result in a finding of No Significant Impact but some agency needs to review it other than ourselves.

Presumably this would be DOE? I could send you a completed SEPA checklist next week. If we have to go through the full SEPA process its going to take quite a bit longer. Sorry about the delay but a few other things have been taking up my time recently.

Fred

Fred Wurster
Division of Engineering / Water Rights
U.S. Fish and Wildlife Service
911 NE 11th Ave.
Portland, OR 97232
503-231-2265

"Dexel, Michael

E" To:
"'Fred_Wurster@r1.fws.gov'" <Fred_Wurster@fws.gov>

<MDEX461@ECY.WA.G cc:

OV> Subject: SEPA status for
Pierce refuge?

02/02/2005 08:50

AM

Hi Fred,

We sent the SEPA language/requirements to Michael Eberle, any updates on where you are in the process or timeframe for when I might see the SEPA?

Mike Dexel
Department of Ecology
Water Resources Program
Southwest Regional Office
(360) 407-6167

S



STATE OF WASHINGTON

DEPARTMENT OF ECOLOGY

P.O. Box 47775 • Olympia, Washington 98504-7775 • (360) 407-6300

December 28, 2004

US Fish & Wildlife
Michael Eberle
911 NE 11th Ave
Portland OR 97232

Dear Mr. Eberle:

Re: Water Right Application No. S2-30162

On November 5, 2003, the Department of Ecology received a Water Right Application for US Fish & Wildlife requesting ten (10) cubic feet per second from Hardy Creek for the purpose of artificial spawning channel for chum salmon.

The State Environmental Policy Act (SEPA) requires all governmental agencies to consider the environmental impacts of a proposal before making decisions. It was brought to my attention that your project has not gone through the SEPA process. Once you have complied with the requirements for SEPA, please send the Department of Ecology a copy of the final checklist.

If you have any questions regarding the environmental review process, please contact Barbara Ritchie, of the Department of Ecology's Environmental Review Section at (360) 407-6922.

Sincerely,

Sheri Carroll
Water Resources

SC:th

S



Dexel, Michael E

From: Ritchie, Barbara J.
Sent: Wednesday, December 08, 2004 12:09 PM
To: Dexel, Michael E
Subject: RE: NEPA or SEPA process for Pierce NWR?

Hello,

I checked the SEPA databases from Jan 1, 2002 to the present day, but I did not find any records with "Hardy Creek" in the description. I also searched for "Bonneville" and I found one NEPA environmental assessment for White Sturgeon Mitigation and Restoration in the Columbia and Snake Rivers upstream from Bonneville Dam, but nothing for chum spawning.

I responded to your specific questions below.

1) Can NEPA be used instead of SEPA if, in fact, they did go through the NEPA process?

No. NEPA applies to federal decisions and SEPA applies to state and local agency decisions. Although compliance with both NEPA and SEPA is required for many projects, it is possible to adopt a NEPA document instead of doing duplicate review under SEPA. The SEPA lead agency must evaluate the NEPA document and ensure the document adequately evaluates the elements needing review under SEPA. If the analysis is adequate, the NEPA document can be adopted along with the SEPA determination of significance or nonsignificance (see WAC 197-11-600 thru 635).

2) Fred is wondering if Ecology can act as lead agency on SEPA if they end up having to go through the SEPA process, or would the county usually handle that?

SEPA lead agency status is determined by defining the entire proposal and all state and local agency "actions" required for the proposal (permits, approvals, funding, etc.) (see WAC 197-11-060(3) and 197-11-704). If a state or local agency is proposing the project, then that agency is also the SEPA lead agency. If the project is a federal or private project, the lead agency will usually be the first agency on the following list with an action to take. (There are some larger proposals with specific lead agencies identified in WAC 197-11-938.)

1. City or county where the proposal is located
2. Other local agency such as an Air Authority or Water/Sewer District
3. State agency based on the priority list in WAC 197-11-936.

Another option is a lead agency agreement where an agency other than the designated SEPA lead agency can be lead if all agencies agree (see WAC 197-11-942).

Barbara Ritchie
SEPA Unit
WA State Dept of Ecology
Phone: (360) 407-6922
Fax: (360) 407-6904
Email: brit461@ecy.wa.gov

Need more information about the State Environmental Policy Act (SEPA)? Visit our website at <http://www.ecy.wa.gov/programs/sea/sepa/e-review.html>

-----Original Message-----

From: Dexel, Michael E
Sent: Wednesday, December 08, 2004 10:06 AM
To: Ritchie, Barbara J.
Subject: FW: NEPA or SEPA process for Pierce NWR?

Hi Barbara,



Can you assist me with this a 1? It sounds like Fred isn't e if the project went through the NEPA process. This is a project for an artificial chum spawning channel (which has already been constructed) off Hardy Creek just below the Bonneville Dam. I'm wondering a couple of things:

- 1) Can NEPA be used instead of SEPA if, in fact, they did go through the NEPA process?
- 2) Fred is wondering if Ecology can act as lead agency on SEPA if they end up having to go through the SEPA process, or would the county usually handle that?

Thanks!

Mike Dexel
Department of Ecology
Water Resources Program
Southwest Regional Office
(360) 407-6167

-----Original Message-----

From: Fred_Wurster@r1.fws.gov [mailto:Fred_Wurster@r1.fws.gov]
Sent: Tuesday, December 07, 2004 3:23 PM
To: Dexel, Michael E
Subject: Re: NEPA or SEPA process for Pierce NWR?

Hi Mike,

I can't speak on whether or not the project went through the NEPA process. I would be surprised if it didn't, but I haven't seen any EIS or EA for the project. If we have to, could we do a SEPA checklist and have Ecology act as the lead agency? Also, I'm reviewing some information on flow in Hardy Creek. I'll try and get back to you in the next day or two regarding diversion estimates for the spawning channel.

Fred

Fred Wurster
Division of Engineering / Water Rights
U.S. Fish and Wildlife Service
911 NE 11th Ave.
Portland, OR 97232
503-231-2265

<Fred_Wurster@fws.gov>
"Dexel, Michael
E"
<MDEX461@ECY.WA.GOV>
NWR?

To: "'Fred_Wurster@r1.fws.gov'"
cc: Sam_Lohr@fws.gov
Subject: NEPA or SEPA process for Pierce

12/06/2004 10:37
AM

Hi Sam & Fred,

Are either of you aware of whether or not the artificial channel went

through NEPA or SEPA? Our EPA requirements say anything over 1 cfs needs to go through SEPA, but NEPA will probably suffice if that was the case. Let me know when you get a chance!

Mike Dexel
Department of Ecology
Water Resources Program
Southwest Regional Office
(360) 407-6167

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